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CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop IDS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

n re Application

Signature

PATENT

Attorney Docket No. 39238-0034

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): Knowlton, Edward W.

Art Unit: 3739

Application No.: 10/783,974

Examiner: Unassigned

Filed:

February 20, 2004

Title: FLUID DELIVERY APPARATUS

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Assignee is also the owner of related U.S. Patent No. 6,749,624 and has filed a lawsuit against Syneron Medical Ltd. and Syneron, Inc. on that patent in the United States District Court, Northern District of California, San Francisco Division, Case No. C-04-2995-CRB. Syneron has raised various defenses, including validity and enforceability defenses, to that action. Furthermore, the court conducted a preliminary injunction hearing in that case and issued an order denying the same. Various items related to the case and the preliminary injunction proceedings are submitted herewith as well as other information.

Further, Applicant submits herewith a copy of the electronic docket report from the court. Applicant will consider any request from the Examiner for any other papers mentioned therein.

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication, other documents, and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

\boxtimes	This st	atemen	t qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
_		(1)	It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d) OR
		(2)	It is being filed within 3 months of entry of a national stage
		(3)	It is being filed before the mail date of the first Office Action on the ments
		(4)	OR It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
	of a n §1.49 before	ational	.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date application; (2) three months beyond the date of entry of the national stage as set forth in international application; or (3) the mailing date of a first Office action on the merits, but ailing date of the earlier of a final office action under §1.113 or a notice of allowance under
			rtification as specified in §1.97(e) is provided below; or
		payı	e of \$180.00 as set forth in \$1.17(p) is authorized below, enclosed, or included with the ment of other papers filed together with this statement.
	37 C.	. <i>F.R</i> . § I n under	1.97(d). If this statement is being filed after the mailing date of the earlier of a final office $1.97(d)$ or a notice of allowance under 1.311 , but before payment of the issue fee, then:
•	A.	a ce	rtification as specified in §1.97(e) is completed below; and
	B.		etition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted ewith; and
	C.	pay	we of \$130.00 as set forth in $\$1.17(i)(1)$ is authorized below, enclosed, or included with the rement of other papers filed together with this statement.
\boxtimes	ባ በዎ	Dand cl	ization. The Commissioner is hereby authorized to charge the above-referenced fees of harge any additional fees or credit any overpayment associated with this communication to ecount No. <u>08-1641 (Docket No. 39238-0034)</u> .
			Respectfully submitted,
			HELLER EHRMAN WHITE & MCAULIFFE LLP
		,	1 (0)
Date	ed:	((By: Cuck No. 29,294

275 Middlefield Road Menlo Park, CA 94025-3506 (650) 324-7000 Customer No. 25213

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EXAMINER'S INITIALS	PATENT NO.	DATE		NAME ·	CLASS	SUBCLASS	FILING I	DATE	
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	WO 01/08545 A	2 2/8/01		PCT	A61				
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				Patent Infringement", July 23,					
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	Thermage, Inc.,	"Memora	ndum	in Support of Motion for Prelin	ninary Inj	junction", August	0, 2004.		
	Thermage, Inc, attached exhibit	"Declarations A-E, Aug	on of gust (Edward A. Ebbers in Support of, 2004.	of Motion	for Preliminary In	junction"	and	
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	5,814,040	9/29/98	1	Nelson et al.	6	06	9	5/15/95	
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	Exhibits A-D,	August 6, 200	4.	Dave B. Koo in Support of Mo					ttached
	Opposition to I	Plaintiff's Mot	tion 1	Inc., "Declaration of Robert S for a Preliminary Injunction" a	and att	acricu	EXTITIONS 1-25, 1	i a guer i r	, 2004.
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Thermage, Inc.,	"Reply Mem	orandum re Motion for Prelimin	ary Injuncti	on", September 3,	2004.	
attached Exhibi	ts A-B, Septe	mber 3, 2004.				
Thermage, Inc., Exhibits A-C, S	"Declaration eptember 3, 2	of Paul Davis in Support of Mo 2004.	tion for Pre	liminary Injunction	n" and att	ached
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		, "Declaration	n of l	Richard J. Meader in Support o	f Mot	ion fo	r Preliminary In	junction"	,
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	Syneron Medica Preliminary Inju	al, Ltd., Syn unction Mot	neron tion"	, Inc., "Supplemental Declaration and attached Exhibits A-B, Sep	on of Wa stember 1	rren Grundfest in C 0, 2004.)pposition	ı to
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